



UNITED STATES MARINE CORPS
MARINE CORPS RECRUIT DEPOT/WESTERN RECRUITING REGION
1600 HENDERSON AVENUE SUITE 238
SAN DIEGO, CALIFORNIA 92140-5001

DepO 5720.3E
1A

MAR 08 2004

DEPOT ORDER 5720.3E

From: Commanding General
To: Distribution List

Subj: ADMINISTRATIVE HANDLING OF FREEDOM OF INFORMATION ACT (FOIA)
REQUESTS

Ref: (a) SECNAVINST 5720.42G (NOTAL)
(b) MCO P5720.56A (NOTAL)
(c) DOD 5400.7-R, FOIA Program, Sep 98

Report Required: Annual Freedom of Information Report

1. Situation. To establish procedures for receiving, recording and accounting for Freedom of Information Act (FOIA) requests.

2. Cancellation. Depot Order 5720.3D.

3. Summary of Revision. This Order is republished to more clearly define responsibilities regarding FOIA requests.

4. Mission. To ensure that all requests for information/records citing the FOIA are responded to in a uniform and timely manner.

5. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. To ensure that all written requests for information or copies of records, which cite the FOIA as the authorizing source, are properly documented and answered.

(2) Concept of Operations. FOIA requests will be received by the Depot Adjutant who will then route the request to the command/section identified as the holder of the requested records. The organization/department will be responsible to provide to the Depot Adjutant copies of the records requested. The Depot Adjutant will then deliver the original FOIA request and the records to the SJA (FOIA Administrator) for final action.

MAR 08 2004

b. Subordinate Element Missions

(1) MCRD San Diego Commands and Activities/Sections

(a) All organizations/departments aboard MCRD San Diego who receive any correspondence which appears to be a request for information pursuant to the FOIA, shall mark the date and method of delivery (i.e., registered mail, special delivery, etc.) on the correspondence, and immediately deliver the request to the Depot Adjutant for processing, per paragraph 5b(2).

(b) Activities assisting in providing information for responses to FOIA correspondence shall keep a record of all costs incurred in providing such information. Complete DD Form 2086 (Record of Freedom of Information Processing Cost) to facilitate this accounting. The form will be returned to the Depot Adjutant along with the results of the records search, in order that the proper fee may be charged to the requestor.

(2) Depot Adjutant

(a) Create a database or logbook to log and track all FOIA requests.

(b) Determine if the request complies with the minimum requirements of a proper FOIA request.

(c) If the request meets the minimum requirements, obtain the requested record from the organization/department maintaining it.

(d) Upon receipt of all correspondence containing requests for information, MCRD Depot Form 5216/6, Controlled Correspondence Routing Sheet (CCRS) shall be completed and attached to the correspondence. All such correspondence must be date stamped upon receipt. The CCRS and the correspondence shall be conspicuously stamped "FOIA

(e) Forward the FOIA request and the record to the SJA who will prepare a formal written response.

(f) If the FOIA request does not meet the minimum requirements, respond to the originator of the request within 10 working days to inform them of the contents of a proper request.

(g) Provide to organizations/departments a copy of DD Form 2086 so that they may record costs associated with the request, and to help ensure that all cost related fees are tracked quickly and accurately as the requests are processed.

(h) Advise a requestor, who is assessed fees, to make their check/money order payable to the Treasury of the United States.

MAR 08 2004

(i) Upon receipt of the requested fees, submit a NACOMPT Form 2277, Voucher for Disbursement and/or Collection and the check/money order to the Disbursing Office for processing. The voucher shall include the Operations and Maintenance, Marine Corps (O&M, MC) appropriation data of MCRD's operating budget for appropriate credit. "FOIA Receipt Account number 3210" shall be annotated on the NAVCOMPT Form 2277 when processing all FOIA fees, except those received by non-appropriated fund (NAF) activities. Remittance received by NAF activities shall be made payable to the activity and the requestor should indicate on the check "FOIA Remittance." The remittance shall be deposited in the NAF activity account.

(j) Per reference (b), prepare and submit by 15 October the annual FOIA report to the Commandant of the Marine Corps (ARAD).

(3) SJA

(a) Review all requests, record and render an initial determination to release or deny the release of information.

(b) Prepare the appropriate written response within 20 working days.

(c) Determine whether the requestor should or should not pay costs associated with the request, see paragraph 6e.

(d) Decisions to release the information shall be approved by the SJA.

(e) Replies to requests, which must be denied, in whole or in part, shall be prepared for signature by the Chief of Staff.

(4) CO's 8th and 9th MCD. Comply with the references and reply to FOIA requests directly to the requestor. Consult with the MCRD SJA for releasability of records if uncertain.

6. Administration and Logistics

a. All written requests for information received by this Command will be controlled by the Depot Adjutant and acted upon immediately.

b. Official correspondence addressed to the Command will normally be opened in the Depot Adjutant's office.

c. All requests will be initially handled as if made pursuant to the Act, whether or not it is specifically stated therein. If ultimately determined by the SJA that a particular request is made pursuant to the Act, a reply to the request must be forwarded within 20 working days of the date of receipt. If it appears that it will not be possible to provide the

MAR 08 2004

information requested within that period, the requirements for obtaining formal and informal extensions are contained in the references.

d. Certain information contained within governmental records is exempt from disclosure. These areas are detailed in references (a), (b), and (c).

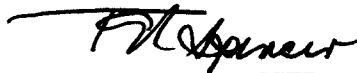
e. Charges for requests may be waived or reduced if disclosure of the information is in the public interest. Disclosure is in the public interest if it is likely to significantly contribute to public understanding of the operations or activities of the government. The advice of the SJA should be obtained in case of any uncertainty. In any case where costs of releasing information are \$15.00 or less, such costs are automatically waived regardless of category. Reference (a) provides guidance in assessing fees for FOIA requests and should be consulted. Discretionary waivers or reductions of FOIA fees shall be approved by the SJA. A denial of a request to waive or reduce fees must be made by the CG.

f. References (a) and (b) designate the CG MCRD/WRR as the initial denial authority for all requests for information addressed to MCRD/WRR pursuant to FOIA (5 USC 552). These references also govern the granting or denial of all requests for information received by all activities aboard MCRD.

7. Command and Signal

a. Command. This Order is applicable to MCRD and WRR.

b. Signal. This Order is effective the date signed.


T. W. SPENCER
Chief of Staff

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